

Message Text

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ACTION NEA-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-01 INR-07
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FM AMEMBASSY KATHMANDU
TO SECSTATE WASHDC 8252
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C O N F I D E N T I A L KATHMANDU 1935

E.O. 11652 GDS
TAGS: SHUM, PINT, PINS, PFOR, IN, NP
SUBJ: KOIRALA CASE

REF: KATHMANDU 1890

1. KOIRAL HEARING ON HABEAS CORPUS RESUMED MAY 8 AND COURT
ADJOURNED HEARING ARGUMENTS. WE UNDERSTAND THAT COURT
WILL ISSUE DECISION MAY 15 AGAINST KOIRALA PLEA ON GROUNDS
THAT ISSUE OS MOOT, SINCE SPECIAL ONE MAN TRIBULAN HAS
ALREADY BEEN FORMED AND HEARING CHARGES UNDER TREASON ACT.

2. ACCORDING TO ONE OF KOIRALAS LAWYERS SPECIAL TRIBUNAL
BEGAN HEARING ON MAY 5, KOIRALA IS PRESENTLY RESPONDING TO
LONG LIST OF QUESTION POSED BY TRIBUNAL WHICH IS SEEKING
CONVICTION ON AT LEAST SIX AND POSSIBLY COUNTS OF
TREASON, INCLUDING HIJACKING RNA AIRCARFT AND SO-CALLED
BIRATNAGAR GRENADE INCIDENT IN WHICH GRENADE WAS THROWN
DURING VISIT OF THE KING SEVERAL YEARS AGO. KOIRALA HAS
ACCEPTED "MORAL RESPONSIBILITY" FOR THESE ACTS SINCE HE HAS
ISSUED CALL FOR OVERTHROWN OF "TYRANNICAL REGIME" WHICH MAY
HAVE MOTIVATED CERTAIN PEOPLE TO TAKE ILLEGAL ACTIONS. HE
DENIES, HOWEVER , LEGAL COMPLICITY IN ANY OF THE SPECIFIC ACTS
OF TREASON WITH WHICH HE IS CHARGED.

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3. TRIBUNAL IS EXPECTED TO PROLONG HEARINGS WHILE KING AND
HIS ADVISORS CONTINUE TO MUDDLE QUESTION OF WHAT TO DO
WITH KOIRALA. WE UNDERSTAND THAT THOSE ADVISORS IN FACVOR OF
DEATH PENALTY HAVE LOST GROUND TO MORE MODERATE PALACE ELEMENTS
WHICH URGE A LIFE SENTENCE TO BE COMMUTED BY THE KING AS AN ACT
OF CLEMENCY.

4. KOIRALA'S LAWYERS ALSO BELIEVE THAT WHATEVER SENTENCE WILL BE HANDED DOWN WILL BE REDUCED BY KING. THEY ARE CONCERNED, HOWEVER, AT NEED TO WORK OUT DEAL WHEREBY SENTENCE AND PARDON ARE ISSUED CONCURRENTLY, SINCE THEY FEAR THAT ROYAL PARDON WOULD BE POLITICALLY DIFFICULT IN FACE OF INDIAN CRITICISM OVER SENTENCE, SINCE KING WOULD THEN APPEAR TO BE BOWING TO EXTERNAL PRESSURE. WE UNDERSTAND THAT KOIRALA'S LAWYERS HAVE RAISED THIS ISSUE WITH PALACE IN EFFORT TO ASSURE THAT NOBODY DOUBLE-CROSSES ANYONE AT THE LAST MINUTE. IF FULL PARDON WERE GRANTED, KOIRALA WOULD BE PLACED UNDER VIRTUAL HOUSE ARREST OR AT LEAST SUFFICIENT POLICE SURVEILLANCE AS TO PREVENT HIM FROM BECOMING POLITICAL FORCE.

5. CONGRESS PARTY LEADERS IN KATHMANDU REPORT THAT AS MANY AS TEN STUDENTS HAVE BEEN ARRESTED IN RECENT DAYS IN KATHMANDU VALLEY TO PREVENT ANY DEMONSTRATIONS OF SUPPORT OF KOIRALA FROM DEVELOPING. CONGRESS LEADERS, ALTHOUGH UNDER POLICE SURVEILLANCE, HAVE NOT BEEN ARRESTED.

6. COMMENT: KING CONTINUES TO WRESTLE WITH PROBLEM OF HOW TO DEFUSE KOIRALA CASE AND ABOVE ALL, TO PREVENT IT FROM BECOMING A MAJOR FACTOR IN BILATERAL RELATIONS WITH INDIA. WE BELIEVE THAT REPORTED CONTACTS BETWEEN PALACE AND KOIRALA'S LAWYERS MAY BE FIRST STEP IN EFFORT TO REACH COMPROMISE AT LEGAL LEVEL AT LEAST, ALTHOUGH MORE FAR-REACHING POLITICAL COMPROMISE MAY PROVE IMPOSSIBLE.

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